P. No. 5425/06 Presented by Shri R.S. Thakur dated 31/10/06

CF1002

(1)

SINGLE BENCH

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 5410 /2006

PETITIONER Smt. Vibha Sahu W/o Shri Sharad Chandra Sahu, aged about 41 years, Assistant Teacher posted at Govt. Girls Higher Secondary School Mungeli, Dist. Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. Director of School Education D.K.S. Bhawan, Raipur (C.G.)
3. District Education Officer, Bilaspur, District Bilaspur (C.G.)
4. Block Education Officer, Mungeli Block-Mungeli, Dist. Bilaspur (C.G.)
5. Principal Govt. Girls Higher Secondary School, Mungeli, Block-Mugeli, Dist.Bilaspur (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (s) No. 5410 of 2006

Petitioner : Smt. Vibha Sahu

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri R.S. Patel, Advocate for the Petitioner.
Shri V.V.S. Moorthy, Dy. Advocate General with Smt. Anju Ahuja, Dy. Govt. Advocate for the respondents/State.

ORDER

(6th October, 2006)

1. Learned counsel appearing for the petitioner submits that while working as Assistant Teacher, the petitioner has gone on training to improve her qualifications on her own expenses and acquired B. Ed. Examination Certificate on 30.1.1997 from Guru Ghasidas University, Bilaspur (Annexure P/2).

2. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. Examination Certificate on his own expenses, are covered by

the circular dated 24.12.98 issued by the State Government of Madhya Pradesh

3. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

4. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on her own expenses or not. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Thakur